

**REMARKS/AGRUMENTS**

Reconsideration of this application, as amended, is respectfully requested.

**DOUBLE PATENTING**

Claim 1 stands rejected under CFR 1.78(b) as being in conflict with claim 1 and 12 of Application No. 09/810148. Claim 1 has been amended to obviate double patenting concerns. Accordingly, Applicants respectfully request that the rejection to claim 1 be withdrawn.

**CLAIM REJECTIONS – 35 USC §102**

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Jordan et al (US 6,438,652). In a proper 102(e) rejection, the reference that has allegedly anticipated a claim must teach or enable all of the claimed elements as arranged in the claim. Here, claim 1 is patentable over Jordan, which describes a system for load balancing cooperating cache servers by shifting forwarded request. In particular Jordan states:

[o]ne or more browsers can be configured to connect to each cache server. Direct requests are sent from the clients such as computers running conventional browsers to the configured cache server. If the requested object can be found locally, then it is returned to the browsers.

(Col. 5, lines 53-58 and see figure 1a and 1b) Jordan further indicates, with reference to figure 1a, that

[d]epending on the load condition and forwarding frequency of requests for [object] p on server B, the load monitor may forward the request to server B, asking it to send a copy of object p to server C [the configured server for the browser making the request for object p].

(Col. 7, lines 43-47). In other words the browser (client) is configured to access a particular server (“C”) that will service all requests from that client.

In contrast, claim 1 recites a scheme where no such pre-configured server-client relationship exists. Instead, server-client pairings are made based on, “receiving a request for an information object from a client . . . and returning an address of a selected information object repository to the client.” That is, the information object repository to service a request is selected according to the recited selection procedure. This is different than the scheme described in Jordan and, accordingly, claim 1 is patentable over Jordan.

**CLAIM REJECTIONS – 35 USC §103**

Claims 2-7 stand rejected under 35 U.S.C §103(a) as being unpatentable over Jordan et al (US 6,438,652) in view of knowledge known to one of ordinary skill in the art. In a proper 103(a) rejection, the references must teach a suggestion to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art if confronted with the same problem. For all of the reasons stated above claim 1 is not anticipated by Jordan. In addition, claim 1 is not obvious in view of Jordan when considered in view of knowledge known to one of ordinary skill in the art.

As indicated above, Jordan describes a scheme involving a designated server-client pairing. That is, all requests by a particular client are ultimately serviced from a designated server. There is no teaching or suggestion that this pairing is varied according to an information object repository selection procedure, . . . without regard as to whether the information object is actually stored at the information object repository selected . . . , as recited in claim 1. Nor is such a modification suggested by knowledge known to one of ordinary skill in the art. Indeed, the Office Action fails to indicate the source of such knowledge, which on its face is counterintuitive to the problem at hand. Ordinarily, one would suspect that any referrals to alternate servers would have to take into account the question of whether or not the referee server actually stored a copy of the information object being requested. In the scheme recited in claim 1, however, such a consideration is explicitly excluded. Consequently, because such a process is

nether taught nor suggested by Jordan even when considered in view of knowledge known to one of ordinary skill in the art, claim 1 is patentable over this combination. Because claims 2-7 are dependent on claim 1, claims 2-7 are also patentable over this combination.

Claims 8-10, 21-28, 31, and 34 stand rejected under 35 U.S.C §103(a) as being unpatentable over Jordan et al (US 6,438,652) in view of Rune (US 6,304,913). In a proper 103(a) rejection, the references must teach a suggestion to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art if confronted with the same problem. As acknowledged by the Office Action, Jordan does not teach, nor even suggest, using a web server which received the request, to contact a Web router to obtain an address of a topologically close information object repository to the requesting client. (See page 6, Office Action of April 5, 2004). Rune fails to cure this deficiency.

Instead, Rune describes (with reference to fig. 2 element 210, fig. 7, and at col. 7, lines 7-25) a:

DNS server which is coupled with the same user network as the requesting host operates to transmit to the router a second request including all of the unique IP addresses associated with the transmitted host name ... in response to the second request, the local router determines the hop count for all of the unique IP addresses. ... [t]he DNS server receives all of the hop counts and unique IP addresses from the router and selects ... the unique IP address having the smallest hop count. [T]he DNS server transmits the IP address having the smallest hop count to the requesting host.

(Rune, col. 7, lines 7-25, emphasis added).

In contrast, Claim 8 recites, in pertinent part, “a Web server which received the request from the client, to contact a Web router to obtain an address of a topologically close information object repository to the requesting client.” In other words claim 8 recites a procedure in which Web server obtains the address of a topologically close information object repository, *not* “all of the hop counts and unique IP addresses” described by Rune. Thus, Rune adds nothing relevant to Jordan with regard to claim 8 and so claim 8,

and claims 9-10 which contain similar limitations as claim 8, are patentable over the combination of Jordan and Rune.

Regarding claims 21-24, in the text referred to by the Office Action, Rune states:

Each alternative server 158b or 158e either stores a copy of an entire Internet site, (e.g., a web site) or contains a slightly adapted version of a common service so that any of the alternative servers can service a request from one of the requesting hosts 152a-152e.

(Col. 4, lines 1-5). It is unclear how this relates to claim 21, which recites, in pertinent part, “the local DNS cache selection process comprises returning, from a Web server which received the request from the client, a uniform resource locator (URL) containing a statically configured domain name.” Rune only states that any of the alternative servers can service a request from one of the requesting hosts. In contrast claim 21 describes a process where a Web server returns a URL containing a statically configured domain name to a client. Thus, Rune adds nothing relevant to Jordan with regard to claim 21 and so claim 21, and claims 22-24 which contain similar limitations as claim 21, are patentable over the combination of Jordan and Rune.

Regarding claims 25-28 and 31, the Office Action refers only to Jordan in discussing these claims. Since these claims ultimately depend on claim 1 and since claim 1 is patentable over Jordan for all of the reasons discussed previously, these dependent claims are patentable over Jordan.

Regarding claim 34, the Office Action states that Rune describes claim 34 and then refers to figure 7, 710 stating, “wherein a user must access the IP address upon receiving it.” (Office Action page 8, April 5, 2004). However, figure 7, 710 does not stand for the proposition being relied upon in the Office Action. Rather Rune specifically states, the “local DNS server transmits the unique IP address having the smallest hop count to the requesting host.” Since Rune does not describe a process for information objects that will be loaded only after some user interaction as recited in claim 34, Rune adds

nothing relevant to Jordan with regard to claim 34 and so claim 34 is patentable over a combination of Jordan and Rune.

Claims 11-15, 29-30, 32, and 33 stand rejected under 35 U.S.C §103(a) as being unpatentable over Jordan et al (US 6,438,652) in view of Johnson et al (US 6,205,477). In a proper 103(a) rejection, the references must teach a suggestion to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art if confronted with the same problem. As acknowledged by the Office Action, Jordan does not teach, nor even suggest, a redirect cache selection comprising a redirecting Web router. Johnson on the other hand (in col. 5, lines 39-50 referred to by the Office Action) discloses a web server (72) utilizing a web router (82) to obtain metrics information which the web server then uses to select one of available web servers associated with the IP addresses associated with the requesting host. (Col. 5, lines 39-50, emphasis added). This is not the same as the process recited in claim 11 where a web server contacts a web router to obtain an address of a redirecting web router which will service the request. Thus Johnson adds nothing relevant to Jordan with regard to claim 11. Claims 12-15 depend from claim 11 and accordingly Applicants respectfully submit that these claims are distinguished from the cited references for at least these same reasons.

The cancellation of Claim 29 has obviated the rejection thereof.

Regarding claim 30, in the text referred to in the Office Action, Johnson states

[t]he present invention may be configured to function in a DNS mode as well as in HTTP redirect mode. Additional DNS resource records must be added to the primary domain's primary DNS server to identify the distributed director as the authoritative name server for a given host in DNS mode, or as the actual Web server requested by the end user in HTTP redirect mode.

(Col. 6, lines 61-67, emphasis added). In contrast, claim 30 describes combining a redirect cache selection process with a remote DNS cache selection process. The terms used in Johnson, "as well as"

and “in DNS mode or ... in redirect mode” are not the same as combining the redirect cache selection process with the remote DNS cache selection process (redirect cache selection process and remote DNS cache selection process). Thus Johnson adds nothing relevant to Jordan with regard to claim 30 and so claim 30 is patentable over a combination of Jordan and Johnson.

Regarding claims 32, and 33, in the text referred to in the Office Action, Johnson states “the IP address associated with the selected server is provided to the client from which the server request was obtained. By way of example, the IP address may be returned to the client’s local DNS.” (Col. 8, lines 25-27). This does not describe a redirect cache selection process or a remote DNS cache selection process used for information objects that will be loaded only after some user action, as described in claims 32 and 33. Thus Johnson adds nothing relevant to Jordan with regard to claims 32 or 33 and so claims 32 and 33 are patentable over a combination of Jordan and Johnson.

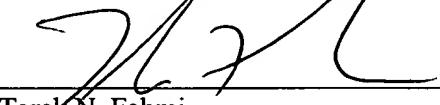
Claims 16-20 are rejected under 35 U.S.C §103(a) as being unpatentable over Jordan et al (US 6,438,652) in view of Chauhan (EP 0959 601). In a proper 103(a) rejection, the references must teach a suggestion to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art if confronted with the same problem. As acknowledged by the Examiner, Jordan does not teach, nor even suggest, a DNS cache selection process with redirector DNS server. Chauhan on the other hand (in col. 3, line 55 – col. 4, line 4 referred to by the Office Action) discusses “a user request[ing] an address via a local name service [(web server)], and the local name service request[ing] the address from the [ONS/DNS] server”. (Emphasis added). In contrast claim 16 recites, in pertinent part, “returning, from a Web server which received the request from the client, a statically configured domain name of a redirector DNS server”. In Claim 16 the Web server is not requesting an address from the DNS server, rather it is simply returning a statically configured domain name of a redirector DNS server to the client. Thus Chauhan adds nothing relevant to Jordan with regard to claim 16. Claims 17-20 depend from claim 16 and accordingly Applicants respectfully submit that these claims are distinguished from the cited references for at least the above reasons.

For at least the foregoing reasons, the claims are patentable over the cited references. If there are any additional charges, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/2, 2004

  
Tarek N. Fahmi  
Reg. No. 41,402

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 947-8200